IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.244 OF 2006

Shri Dattatraya P.Shinde .. Petitioner.
Vs.
State of Maharashtra & Anr. .. Respondents.

Mr.Nitin Vhatkar for the petitioner.
Mrs.M.M.Deshmukh A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 12TH JULY, 2006

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. This revision is directed against the order dated 8.4.2005 passed by the Special Judge, Greater Bombay in Miscellaneous Application No.4 of 2005 in SC/ST Spl.Case No.16 of 2004 by which the respondent-accused has been discharged. The case was registered against the respondent-accused under section (3)(1)(x) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, section 7 (1)(c) and (d) of Protection of Civil Rights Act, 1955 and section 294 and 504 of I.P.C. That was on the allegation that on 6th November, 2001 while the respondent-accused was in his cabin, in the presence of one Mr.Rao, Assistant Dock Manager made certain utterances towards the complainant constituting the aforesaid offences. It appears that the FIR was lodged on 29.11.2003 i.e. more than two years after the alleged occurrence. It

appears that the departmental enquiry was conducted on the basis of the complaint made by the applicant on 30th November, 2001. I perused the order passed in the departmental enquiry dated 31.10.2003. There is no reference to the utterances on the caste constituting offence under the provisions of the Atrocities Act. Mr.Vhatkar, learned counsel for the applicant submitted that the statement of the applicant-complainant was corroborated by the statement of Mr.Rao, Assistant Dock Manager, who was present at the time of the alleged incident. The learned Judge after appreciating the evidence of Mr.Rao, has recorded a finding in paragraph 9 of the judgment that when a query was made with Mr.Rao, whether the accused ever made reference to the fact that the complainant belongs to backward class, Mr.Rao answered it in the negative. Moreover, Mr.Rao has also admitted that he never sensed caste bias in the conduct of the accused. The delay of more than two years in filing FIR was also taken into consideration by the learned Judge while discharging the accused of the offence under the provisions of the Atrocities Act. The view taken by the learned Special Judge is reasonably possible view and the findings recorded by him cannot be termed as perverse and unreasonable. No legal infirmity of whatsoever nature was pointed out in the order impugned in the instant application. In the circumstances this revision application is

dismissed.

(D.B.Bhosale, J.)